

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 16871 of 2006

DATED: 14.12.2006

Between:

V.Ramulu

petitioner

And

**The Managing Director, A.P.State Housing
Corporation Ltd, Urdugalli, Himayathnagar,
Hyderabad and others**

Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 16871 OF 2006

ORAL ORDER:

The present writ petition is filed questioning the action of the respondents in not considering the case of the petitioner for promotion to the post of Assistant Engineer in terms of G.O.Rt No. 160 Housing (RH 1) Department dated 9.6.2004.

The facts in brief, as stated in the affidavit filed in support of the writ petition are as under.

The petitioner is employed as Work Inspector in the respondent corporation. In the year 2001, he was placed under suspension along with two other employees on the allegation of misappropriation of funds. Questioning the said suspension order, petitioner filed W.P. No. 26166 of 2001 and the same was disposed of by order dated 26.12.2001 with a direction to pay the subsistence allowance and to complete the enquiry expeditiously. Since, the enquiry was not completed within the stipulated time, petitioner filed another writ petition in W.P. No. 20933 of 2002 and the said writ petition was disposed of on 23.10.2003 with a direction to complete the enquiry within a period of three months and in default respondents were directed to reinstate the petitioner into service. Alleging non implementation of the said orders, he filed a Contempt case

in C C No. 385 of 2003. Thereafter, on 9.4.2003 the petitioner was reinstated into service, pending enquiry. It is stated that the Government vide G.O.Rt No. 160 dated 9.6.2006 delegated recording powers of Assistant Engineers to all the 429 Technical Work Inspectors working in the respondent corporation who are possessing degree/LCE qualification and having minimum service of five years and who are also otherwise eligible for promotion to the post of Assistant Engineers. The petitioner claims that in terms of G.O.Rt No.160 dated 9.6.2006, he is eligible to promotion to the post of Assistant Engineer and the respondents are not considering his case for recording the powers of Assistant Engineers, even though his name was found place in the promotion list sent by the District Manager (H) Warangal. Hence, the present writ petition.

A counter affidavit was filed by the first respondent stating that petitioner was suspended for misappropriation of funds and after conducting enquiry, vide proceedings No.Vig(2)/7047/Khammam/2001 dated 11.8.2006 he was imposed with punishment of stoppage of five annual grade increments with cumulative effect and recovery of Rs.4,25,000/- with 12% interest. It is further stated that G.O.Rt No.160 dated 9.6.2006 prescribes that one should possess the required qualification to be eligible for promotion to the post of Assistant Engineer and the petitioner who is undergoing major punishment is not eligible for promotion.

Learned counsel for petitioner submitted that as against the imposition of major penalty, the petitioner preferred an appeal to the Chairman and the same is pending.

Heard the learned counsel for petitioner and learned standing counsel for respondent corporation. Both counsel agreed for disposal

of the writ petition with a direction to respondents to dispose of the appeal expeditiously.

The petitioner was imposed with major penalty by proceedings dated 11.8.2006, and as against the said order, he preferred an appeal to the Chairman, A.P. State Housing Corporation Ltd/impleaded respondent No.5, and the same is pending. Since, the appeal is pending,

I deem it appropriate to dispose of the writ petition directing the 5th respondent –Chairman to consider and dispose of the appeal filed by the petitioner, in accordance with law, expeditiously.

Accordingly, the writ petition is disposed of. No costs.

N.V.RAMANA,J

DATE: 14.12.2006
TVK

THE HON'BLE MR JUSTICE N.V. RAMANA

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